IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Chand Singh Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.852/2006

against the order dt.29.6.2006 passed by Additional Sessions Judge No.1, Sri Ganganagar in Cr.Revision No.02/2006.

DATE OF ORDER :: August 18, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. N.L.Joshi, for the petitioner.

Mr.Ashok Upadhyaya, Public Prosecutor.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 29.6.2006 passed by Additional Sessions Judge No.1, Sri Ganganagar (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 29.7.2005 passed by Judicial Magistrate, Sri Ganganagar (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State. Carefully gone through the orders impugned passed by the trial court as well as the revisional court.

It is contended by the learned counsel for the petitioner that the trial court fell in error in framing the charge against the petitioner for the offence under section 326 I.P.C., whereas the weapon of offence alleged by the complainant and other witnesses is a lathi.

On careful perusal of the order of the revisional court, it appears that the witnesses have categorically stated that the accused petitioner was armed with lathi and inflicted lathi blow but the lathi, which was recovered by the police had the blades and the wire over it and therefore, even if it is used, it can cause the sharp injury. The medical opinion shows that the injury which is grievous in nature has been caused by sharp-edged weapon.

In the circumstances, therefore, at this stage, there is a ground to presume that the petitioner has committed the offence apart from other offence under section 326 I.P.C. No

interference in the inherent jurisdiction of this Court is called for.

The petition has no force, the same is dismissed.

[H.R.PANWAR],J.

m.asif/-